

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEN MACKENSEN,
Plaintiff,

v.

NATIONSTAR MORTGAGE LLC,
Defendant.

Case No. 14-cv-02812-JSC

**ORDER DISMISSING MOTION TO
DISMISS AS MOOT**

Re: Dkt. No. 9

Defendant Nationstar Mortgage LLC removed this civil action brought by Plaintiff Ken Mackensen from the Marin County Superior Court on June 18, 2014. On June 25, 2014, Defendant filed a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 9.) In lieu of filing an opposition to the motion, Plaintiff filed an Amended Complaint. (Dkt. No. 12.)

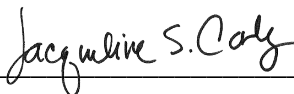
Pursuant to Federal Rule of Civil Procedure 15(a)(1) “[a] party may amend its pleading once as a matter of course within (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), whichever is earlier.” Because Plaintiff filed his Amended Complaint within 14 days after service of the Motion to Dismiss, he does not need leave of the Court and may amend his complaint as of right. Defendant’s Motion to Dismiss is therefore **DISMISSED** as moot.

This Order disposes of Docket No. 9.

United States District Court
Northern District of California

IT IS SO ORDERED.

Dated: July 11, 2014



JACQUELINE SCOTT CORLEY
United States Magistrate Judge